

SENATE JOINT RESOLUTION 200

By Overbey

A RESOLUTION to direct the Department of Mental Health to study certain issues relating to assisted outpatient treatment of persons with mental illness.

WHEREAS, issues involving the appropriate treatment available to persons with mental illness in Tennessee's communities present themselves as pressing questions for affected individuals and families, community treatment resources and health care institutions, law enforcement, and for state and local governments; and

WHEREAS, assisted outpatient treatment is a treatment option that many states have availed themselves of in many different forms; and

WHEREAS, a number of states have enacted some version of what is popularly known as "Kendra's Law" in order to provide assisted outpatient treatment to persons with mental illness who might benefit from such treatment; and

WHEREAS, Senate Bill 608 / House Bill 683 proposes a form of assisted outpatient treatment for enactment in Tennessee and the successful implementation of such legislation in Tennessee would benefit from the advice of consumers, families, community treatment resources and health care institutions, law enforcement, and state and local governments; and

WHEREAS, the Department of Mental Health could assist consideration by this body of assisted outpatient treatment by studying the important issues presented by Senate Bill 608 / House Bill 683; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Department of Mental Health is directed to study relevant issues raised by the proposal for an assisted outpatient treatment statute in Tennessee and to report its

findings and recommendations to the Senate General Welfare, Health and Human Resources Committee and the House Health and Human Resources Committee on or before January 15, 2012.

BE IT FURTHER RESOLVED, that this study shall consult with relevant stakeholders and examine the following issues, among others, in developing its report:

- (1) the experience of other states in implementing assisted outpatient treatment;
- (2) problems associated with compliance by persons under assisted outpatient treatment orders;
- (3) benefits to affected individuals, families and communities from the implementation of assisted outpatient treatment;
- (4) issues relating to fairness and due process and other concerns to the judiciary and law enforcement;
- (5) the capacity of community treatment resources and of state and local governments for assisted outpatient treatment;
- (6) concerns about liability of treatment providers under assisted outpatient treatment;
- (7) realistic estimates of the need for and the possible utilization of assisted outpatient treatment; and
- (8) consideration of the costs to the state and the treatment system of implementing assisted outpatient treatment.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for delivery to the commissioner of mental health.